

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

334
A



FROM: Economic Development Agency / Facilities Management and Transportation Department


SUBMITTAL DATE:
March 29, 2012

SUBJECT: Resolution No. 2012-057, Notice of Intention to Convey Fee Simple Interest in Real Property from the County of Riverside to the City of Palm Desert and Relinquish Access Rights from the County of Riverside to the State of California

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2012-057, Notice of Intention to Convey Fee Simple Interest in Real Property, from the County of Riverside to the City of Palm Desert by Quitclaim Deed and Relinquish Access Rights in Real Property, from the County of Riverside to the State of California by Grant Deed, both of which are further described as a portion of Varner Road right-of-way, located in the unincorporated area of Thousand Palms, California; and
2. Direct the Clerk of the Board to give notice pursuant to Government Code Section 6061.

BACKGROUND: (Commences on Page 2)



Juan C. Perez, Director
Transportation Department



Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2011/12

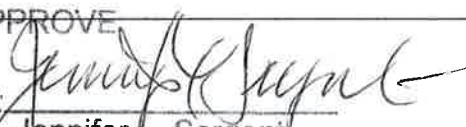
COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

SOURCE OF FUNDS: N/A

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: 
Jennifer L. Sargent

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: 
CYNTHIA M. GUNZEL
Departmental Concurrence

Dep't Recomm.: Consent
Per Exec. Ofc.: Consent
 Policy
 Policy

Prev. Agn. Ref.:

District: 4/4

Agenda Number:

3.20

BACKGROUND:

The City of Palm Desert (City) as lead agency, in cooperation with the California Department of Transportation (Caltrans) and County of Riverside (County), proposes the reconstruction of the westbound ramps at the Interstate 10 and Monterey Avenue Interchange to provide congestion relief for northbound Monterey Avenue to the existing westbound on-ramps. The preferred alternative proposes to construct a new westbound loop on-ramp from Monterey Avenue to Interstate 10 and realign the westbound off-ramp to Varner Road with a new signalized intersection (Project).

The City's Project requires relinquishment of the westerly access from Assessor's Parcel Number 693-230-016, vested in the name of Netreit, who owns and operates Sparky's Self-Storage (Sparky's). The City approached the County as the County owned a portion of Varner Road right-of-way, legally described as Attachment 1 (Portion of Varner Road) adjacent to Sparky's that could provide and replace in kind the secondary westerly access being relinquished by Netreit. Based upon the County's due diligence, it was determined that the portion of Varner Road right-of-way is no longer necessary for any County public purposes and cannot be independently developed as a free-standing parcel. In addition, the City's Project also requires relinquishment of access rights along the county-owned Portion of Varner Road right-of-way, legally described as Attachment 2 (Access Relinquishment)

On or after March 13, 2012, the County is summarily vacating the portion of Varner Road right-of-way with the intention to convey the vacated right-of-way to the City by Quitclaim Deed. The City intends to enter into a separate agreement to convey the vacated right-of-way to Netreit in exchange for the relinquishment of the westerly access.

Staff recommends that the County, in furtherance of the City's project, (1) convey the portion of vacated Varner Road to the City which would ultimately transfer insurance and maintenance responsibility from the County and return the portion of vacated Varner Road to the tax rolls and (2) convey the relinquishment of access rights from the county-owned Portion of Varner Road right-of-way to Caltrans.

Pursuant to Government Code Section 25365, a county may transfer real property or interest therein, belonging to the county to another public agency, upon the terms and conditions as are agreed upon and without complying with any other provisions of the Government Code, if the property or interest therein to be conveyed is not required for county use. The County and City of Palm Desert intend to enter into a Memorandum of Understanding to provide the terms and conditions for the conveyance made by the County to the City.

This Form 11 and Resolution has been approved as to form by County Counsel.

Attachments:

Attachment 1 – Portion of Vacated Varner Road Legal Description and Plat Map
Attachment 2 – Access Relinquishment Legal Description and Plat Map

2
3 **RESOLUTION NO. 2012-057**

4
5 **NOTICE OF INTENTION TO CONVEY FEE SIMPLE INTEREST IN REAL**
6 **PROPERTY FROM THE COUNTY OF RIVERSIDE TO THE CITY OF PALM DESERT**
7 **AND RELINQUISH ACCESS RIGHTS FROM THE COUNTY OF RIVERSIDE TO THE**
8 **STATE OF CALIFORNIA**
9 **(PORTION OF VACATED VARNER ROAD)**

10
11 WHEREAS, the City of Palm Desert (City) is the lead agency, in cooperation
12 with the California Department of Transportation (Caltrans) for the Interstate 10 and
13 Monterey Avenue Interchange Project (Project);

14 WHEREAS, the County of Riverside (County) is the owner of certain real
15 property consisting of 6,495 square foot portion of Varner Road right-of-way located in
16 unincorporated county area of Thousand Palms and has full legal title to the portion of
17 Varner Road right-of-way, and has full power and authority to convey all property rights
18 described herein to the City, as well as the relinquishment of access rights to Caltrans;

19 WHEREAS, on or after March 13, 2012, the County summarily vacated the
20 portion of Varner Road right-of-way;

21 WHEREAS, restricted access rights are needed from Assessor's Parcel Number
22 693-230-016 adjacent to the portion of Varner Road right-of-way for the Project
23 (Adjacent Property);

24 WHEREAS, the portion of Varner Road is needed by the City in order to provide
25 secondary access to the Adjacent Property;

26 WHEREAS, the conveyance of the Property to the City will serve two purposes:
27 (1) provide secondary access to the Adjacent Property in furtherance of the City's
28

FORM APPROVED COUNTY COUNSEL
BY: Synthia M. Gunzel 3-7-12
DATE

1 Project and (2) ultimately transfer insurance and maintenance responsibility from the
2 County and return the Property to the tax rolls;

3 WHEREAS, the Project also requires relinquishment of access rights along the
4 portion of vacated Varner Road right-of-way to the State of California, in furtherance of
5 the City's Project;

6 WHEREAS, pursuant to Government Code Section 25365, the County may
7 transfer interests in real property or interest belonging to the County to another public
8 agency;

9 WHEREAS, the County and City intend to enter into a Memorandum of
10 Understanding to provide the terms and conditions for the conveyance of the Property
11 from County to City;

12 WHEREAS, the County intends to convey its fee simple interest in the Property
13 to the City by Quitclaim Deed; and

14 WHEREAS, the County intends to release and relinquish any and all abutter's
15 rights, including access rights to the State of California by Grant Deed; now, therefore,

16 BE IT RESOLVED AND DETERMINED that the Board of Supervisors of the
17 County of Riverside, in regular session assembled on or after April 10, 2012, hereby
18 directs the Clerk of the Board of Supervisors to give notice pursuant to Government
19 Code Section 6061, of the following:

20 NOTICE IS HEREBY GIVEN by the Board of Supervisors of the County of
21 Riverside intends to convey to the City of Palm Desert, the following described real
22 property: Fee simple interest located on Varner Road in the unincorporated county
23 area of Thousand Palms, County of Riverside, California, identified as a portion of
24 vacated Varner Road, consisting of 6,495 square feet of land. The terms and
25 conditions of the proposed conveyance are as follows: The County of Riverside will
26 remit and release any interest it may own in this Property to the City. The City will then
27 convey the Property to provide secondary access to the Adjacent Property in
28 furtherance of the City's Project; and,

1 NOTICE IS HEREBY GIVEN by the Board of Supervisors of the County of
2 Riverside intends to convey to the State of California, the following described real
3 property: Relinquishment access rights located on Varner Road in the unincorporated
4 county area of Thousand Palms, County of Riverside, California, identified as a portion
5 of vacated Varner Road. The terms and conditions of the proposed conveyance are as
6 follows: The County of Riverside will release and relinquish any and all abutter's rights,
7 including access rights from the Property to the State of California.

8 BE IT FURTHER RESOLVED AND ORDERED THAT the Board of Supervisors
9 intends to meet to conclude the proposed transaction on or after April 17, 2012, at 9:00
10 am at the meeting room of the Board of Supervisors located on the 1st floor of the
11 County Administrative Center, 4080 Lemon Street, Riverside, California.

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28 CAO:ra/030812/393TR/14.547 S:\Real Property\TYPING\Docs-14.500 to 14.999\14.547.doc

ATTACHMENT 1
VACATED VARNER ROAD RIGHT OF WAY
(LEGAL DESCRIPTION AND PLAT MAP)

RBF Consulting
3300 East Guasti Road, Suite 100
Ontario, CA 91761

December 8, 2011
JN 10-104249-M7

EXHIBIT "A"

QUITCLAIM – PORTION OF VARNER ROAD

That portion of Tract 4143-R in the unincorporated territory of the County of Riverside, State of California as shown on the map recorded in Book 67, Pages 38 and 39 of Maps, in the Office of the County Recorder of said Riverside County, being that portion of Varner Road described as Parcel No. 0717-004A of the Final Order of Condemnation recorded September 10, 1997 as Instrument No. 329158 of Official Records in the Office of the County Recorder of Riverside County, California, more particularly described as follows:

COMMENCING at the most northerly corner of Lot B of Lot Line Adjustment No. 05224 recorded September 15, 2008, as Instrument No. 2008-0504304 and as described in a grant deed recorded August 24, 2009 as Instrument No. 2009-0439513, both of Official Records, in the office of said Riverside County Recorder;

Thence along the northwesterly line of said Lot B, South 46°25'06" West 5.09 feet to a line parallel with and 5.00 feet southwesterly, measured at right angles, from the northeasterly line of said Tract No. 4143-R, being also the southwesterly line of Tract No. 3747 as shown on the map recorded in Book 65, Pages 60 through 74, inclusive, of Maps in the Office of said County Recorder, and the **TRUE POINT OF BEGINNING**;

Thence continuing along said northwesterly line of Lot B, South 46°25'06" West 49.79 feet to the most westerly corner of said Lot B, being also an angle point in the northeasterly right of way line of said Varner Road (48.00 foot half-width as described in that certain quitclaim deed recorded May 22, 2007 as Instrument No. 2007-0336820 of Official Records), said corner being the beginning of a non-tangent curve concave southwesterly and having a radius of 1648.00 feet, a radial line of said curve from said point bears South 46°25'19" West;

Thence along the northwesterly prolongation of said curve, northwesterly 182.22 feet through a central angle of 06°20'07";

Thence radially from said curve North 40°05'12" East 24.28 feet to said parallel line;

Exhibit "A"
Quitclaim – Portion of Varner Road

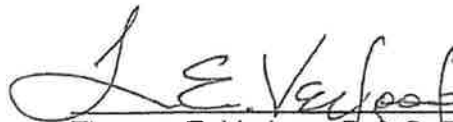
December 8, 2011
JN 10-104249-M7

Thence along said parallel line South 54°32'01" East 187.95 feet to the **TRUE POINT OF BEGINNING.**

CONTAINING: 6,495 square feet, or 0.149 Acres, more or less.

EXHIBIT "B" attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direction.


Thomas E. Verloop, P. L.S. 5348 03/06/2012 Date
My license expires 12/31/13



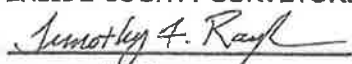
THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: 
DATE: 3/7/2012

EXHIBIT "B"

B5-0686

QUITCLAIM - PORTION OF VARNER ROAD

THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: *Timothy F. Rayl*
DATE: 3/7/2012

DATA TABLE			
(NO)	BEARING/DELTA	RADIUS	LENGTH
1	S46°25'06"W	--	5.09'
2	S46°25'06"W	--	49.79'
*3	10°58'06"	1648.00'	315.48'
4	06°20'07"	1648.00'	182.22'
5	N40°05'12"E	(R)	24.28'
6	S54°32'01"E	--	187.95'

* INDICATES RECORD DATA
PER LLA 05224, INST. NO.
2008-0504304 O.R. (9/15/08)



Thomas E. Verloop 03/06/12
THOMAS E. VERLOOP, P.L.S. 5348
MY LICENSE EXPIRES 12/31/13

SKETCH TO ACCOMPANY A
LEGAL DESCRIPTION FOR

COUNTY OF RIVERSIDE
QUITCLAIM
PORTION OF VARNER ROAD



CONSULTING

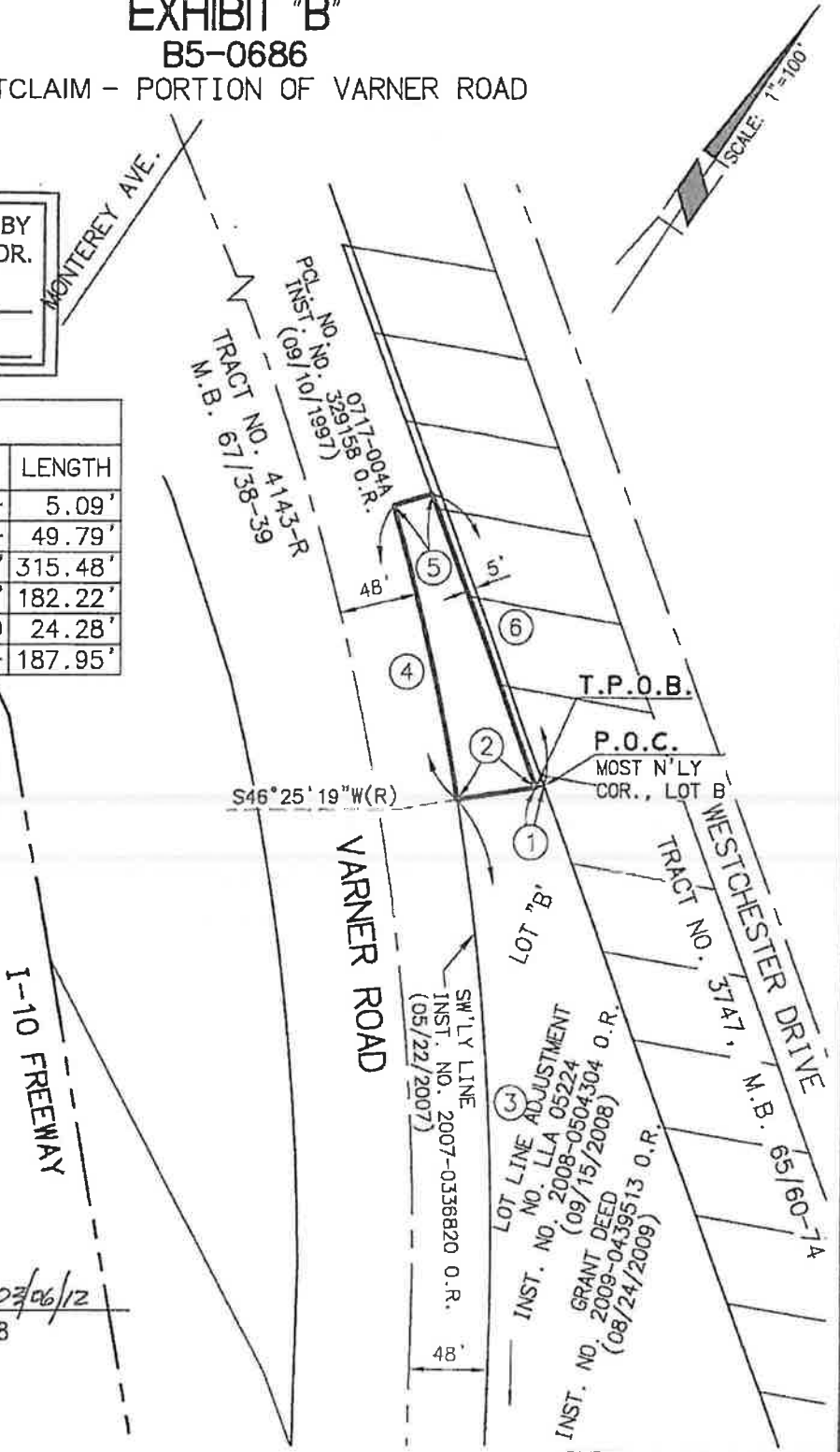
JUNE 6, 2011

PLANNING ■ DESIGN ■ CONSTRUCTION

3300 EAST GUASTI ROAD, SUITE 100
ONTARIO, CALIFORNIA 91781

909.974.4900 • FAX 909.390.8817 • www.RBF.com

JN: 10-104249-M7



SHEET 1 OF 1 SHEET

H:\PDATA\10104249\CADD\MAPPING\EXHIBITS\4249EX006ORIG.DWG TVERLOOP 3/6/12 3:33 pm

ATTACHMENT 2
ACCESS RELINQUISHMENT
(LEGAL DESCRIPTION AND PLAT MAP)

EXHIBIT "A"

PARCEL 22373-1

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights, including access rights appurtenant to Course "A", hereinafter described, over and across that portion of Varner Road described as Parcel No. 0717-004A of the Final Order of Condemnation recorded September 10, 1997 as Instrument No. 329158 of Official Records in the Office of the County Recorder of Riverside County, California, more particularly described as follows:

COMMENCING at the most northerly corner of Lot B of Lot Line Adjustment No. 05224 recorded September 15, 2008, as Instrument No. 2008-0504304 and as described in a grant deed recorded August 24, 2009 as Instrument No. 2009-0439513, both of Official Records, in the office of said Riverside County Recorder;

Thence along the northwesterly line of said Lot B, South 46°25'06" West 54.88 feet to the **TRUE POINT OF BEGINNING**, being the most westerly corner of said Lot B, being also the most southerly corner of that certain right of way vacation recorded _____, 2012 as Instrument No. 2012-_____ of Official Records in the Office of said Riverside County Recorder, and a point in the northeasterly right of way line of said Varner Road (48.00 foot half-width as described in that certain quitclaim deed recorded May 22, 2007 as Instrument No. 2007-0336820 of Official Records), said corner being the beginning of a non-tangent curve concave southwesterly and having a radius of 1648.00 feet, a radial line of said curve from said point bears South 46°25'19" West;

Thence, Course "A", along said northeasterly right of way line of Varner Road and along said non-tangent curve, northwesterly 137.02 feet through a central angle of 04°45'49" to the **POINT OF TERMINUS**.

The bearings and distances used in the above description are on the California Coordinate System of 1983 (1992.88) Zone 6. Multiply all distances used in the above description by 1.00001858 to obtain ground level distances.

Reference is hereby made to State of California, Department of Transportation-District 8 Map, file number RW 000075/01 through 02, inclusive.

08-Riv-10 PM R44.60-22373 (22373-1)

This real property description has been prepared by me, or under my direction, in conformance with the provisions of the Professional Land Surveyors Act.

Signature: Thomas E. Verloop 02/07/2012
Thomas E. Verloop, PLS 5348, Exp. 12/31/2013

Date:



THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: Janet A. Raff
DATE: 3/6/2012

08-Riv-10 PM R44.60-22373 (22373-1)

EXHIBIT "B"

ABUTTER'S RIGHTS (ACCESS RESTRICTION)

08-RIV-10-PM-R44.60-22373 (22373-1)

① INDICATES LLA NO. 05224 NOTICE; REC. 9/15/2008 AS INST. NO. 2008-0504304 GRAND DEED; REC. 8/24/2009 AS INST. NO. 2009-0439513

② INDICATES RIGHT OF WAY VACATION PER INST. NO. 2012-_____, RECORDED _____, 2012.

* INDICATES RECORD DATA PER LLA 05224, INST. NO. 2008-0504304 O.R. (9/15/08)

DATA TABLE			
NO	BEARING/DELTA	RADIUS	LENGTH
1	S46°25'06"W	--	54.88'
2	04°45'49"	1648.00'	137.02'
*3	10°58'06"	1648.00'	315.48'

THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.

BY: *Thomas E. Verloop*

DATE: 3/6/2012



Thomas E. Verloop 03/02/2012

THOMAS E. VERLOOP, P.L.S. 5348
MY LICENSE EXPIRES 12/31/13

SKETCH TO ACCOMPANY A
LEGAL DESCRIPTION FOR

COUNTY OF RIVERSIDE
RELINQUISHMENT OF ACCESS RIGHTS
VARNER ROAD
COUNTY OF RIVERSIDE TO CALTRANS

